

### Impacts on Federally Threatened and/or Endangered Species

As a part of the early coordination process, the USFWS and/or the IDNR will indicate the possible presence of endangered species or habitat suitable for such species. If the early coordination response indicates no significant impact upon endangered species, this should be so stated in the environmental study. Doing so meets the requirements of the Endangered Species Act. If the early coordination response indicates that a proposed/listed species or a proposed/designated critical habitat may be present, a biological assessment will probably be required to identify whether any such species or habitat will be adversely affected by the project. The biological assessment should include the following:

- a. An on-site inspection of the area affected by the proposed project.
- b. Interviews with recognized experts on the species at issue.
- c. Informal consultation with USFWS during the evaluation.
- d. A literature review to determine the species distribution, habitat needs, and other biological requirements.
- e. Exhibits showing the location of the affected areas of the proposed project.
- f. An analysis of possible impacts to the species.
- g. An analysis of measures to minimize impacts.

The biological assessment should be submitted to the Environmental Assessment Section for processing on local projects.

Upon completing their review of the biological assessment, the USFWS may request additional information and/or a conference to discuss the project. They may also issue a biological opinion stating that the project:

- (a) is not likely to jeopardize,
- (b) will promote the conservation of, or
- (c) is likely to jeopardize the continued existence of any proposed/listed species or result in the destruction of proposed/designated critical habitat.

If either a finding of (a) or (b) is given, the requirements of the Endangered Species Act are met. In selecting a preferred alternative, jeopardy to an endangered or threatened species and/or critical habitat must be avoided. To the fullest extent possible, the document needs to identify reasonable and prudent alternatives to avoid the jeopardy to such species or habitat.

If the result of the biological assessment or consultation with USFWS is (c), to the fullest extent possible, the document needs to contain: (1) a summary of the biological assessment (see a-g above); (2) a summary of the steps taken, including alternatives or measures evaluated and conferences and consultations held, to resolve the project's conflicts with the listed species or critical habitat; (3) a copy of the biological opinion; (4) a request for an exemption from the Endangered Species Act; (5) the results of the exemption request; and (6) a statement that (if the exemption is denied) the action is not eligible for Federal funding.

It is necessary to obtain the appropriate Federal and/or State permit when working with endangered and threatened species.